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EXAMINER

NAJARIAN, LENA

ART UNIT PAPER NUMBER

3626

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/643,976

Applicant(s)

BJORNSON, CARL C.

Examiner

Lena Najarian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 81-88 and 132-145 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 81-88 and 132-145 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the amendment filed 9/16/05. Claims 81-88 and 132-145 remain pending.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figures 7C-7F, 12H-12L, and 16F. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because its length exceeds 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

4. Claim 144 is objected to because of the following informalities: at line 4, an "a" should be inserted between "to" and "characteristic". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 81-88, 132-136, and 142-144 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan et al. (5,799,286).

(A) Referring to claim 81, Morgan discloses a resource management system, comprising (abstract of Morgan):

a deficiency database including information regarding deficiencies of resources (Fig. 1 and col. 3, lines 42-54 of Morgan; the Examiner interprets "cost" to be a form of "deficiency");

a resource database including information about resources used in an enterprise (Fig. 1 and col. 1, line 66 – col. 2, line 16 of Morgan); and

a processor coupled to the deficiency database and resource database and arranged to use deficiency information from the deficiency database and resource information from the resource database to provide information regarding a characteristic of a resource based on one or more deficiencies related to at least one resource used in the enterprise, the provided information usable for resource management (Fig. 1 and col. 2, lines 38-58 of Morgan).

(B) Referring to claim 82, Morgan discloses wherein said deficiency database includes information on deficiencies of a resource relating to cost for at least one of the resource itself and differences between the resource and a given resource, a best-in-class resource and an enterprise objective (col. 3, lines 42-54, col. 2, lines 38-58, and col. 6, lines 43-47 of Morgan).

Insofar as the claim recites "at least one of," it is immaterial whether or not the other elements are also disclosed.

(C) Referring to claim 83, Morgan discloses wherein said deficiency database includes information regarding deficiencies relating to interactions among resources and the processor is arranged to provide information regarding a characteristic of a resource

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based also on said information regarding deficiencies relating to interactions among resources (col. 2, lines 38-58 of Morgan).

(D) Referring to claim 84, Morgan discloses wherein said deficiency database includes information regarding deficiencies of at least one of operating resources, manufacturing resources and human resources (abstract of Morgan).

(E) Referring to claim 85, Morgan discloses an access unit coupled to said processor and arranged to enable a user to access information on a deficiency related to a selected resource used in the enterprise (col. 17, lines 33-41 of Morgan).

(F) Referring to claim 86, Morgan discloses a storage unit coupled to said processor and arranged to store the deficiency database and the resource database (Fig. 1 and col. 3, lines 42-54 of Morgan).

(G) Referring to claim 87, Morgan discloses an entry unit arranged to enable additional information to be added to at least one of the deficiency database and resource database (col. 3, line 64 – col. 4, line 4 of Morgan).

(H) Referring to claim 88, Morgan discloses wherein said deficiency database includes information on cost impacts of deficiencies (col. 17, lines 33-41 of Morgan).

(I) Process claims 132, 133, 134, 135, and 136 repeat the same limitations of system claims 81, 82, 83, 84, and 88. As such, these limitations are rejected for the same reasons provided in the rejection of claims 81-84 and 88, and incorporated herein.

(J) Referring to claim 142, Morgan discloses deriving, with access by a processor to the deficiency database and resource database and responsive to identification of an enterprise objective, an indication of a preferred combination of resources to meet the

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enterprise objective (col. 5, lines 23-25, col. 1, lines 34-42, and col. 2, lines 1-16 of Morgan).

(K) Referring to claim 143, Morgan discloses deriving, with access by a processor to the deficiency database and resource database and responsive to identification of a combination of resources, an indication of deficiencies relating to the combination of resources (col. 2, lines 1-16 and 38-58 of Morgan).

(L) Referring to claim 144, Morgan discloses deriving, with access by a processor to the deficiency database and resource database and responsive to characteristic of a first resource, information on a modification which, when made, enables the first resource to be compatible with a second resource (col. 17, lines 51-58 of Morgan).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 139-140 and 145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (5,799,286) in view of Barnard et al. (5,586,252).

(A) Referring to claims 139 and 140, Morgan does not disclose information on a failure mode associated with the resource and responsive to an indication of a failure mode of

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a resource, information on at least one deficiency related to the indicated failure mode of the resource.

Barnard discloses information on a failure mode associated with the resource and responsive to an indication of a failure mode of a resource, information on at least one deficiency related to the indicated failure mode of the resource (col. 1, lines 13-18 and col. 2, lines 50-60 of Barnard).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Barnard within Morgan. The motivation for doing so would have been to examine causes of a defect to prevent them from occurring (col. 1, lines 20-25 of Barnard).

(B) Referring to claim 145, Morgan does not disclose responsive to information on a failure of a resource, information on possible causes of failure of the resource.

Barnard discloses responsive to information on a failure of a resource, information on possible causes of failure of the resource (col. 2, lines 61-65 of Barnard).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Barnard within Morgan. The motivation for doing so would have been to know how to prevent these causes from occurring (col. 2, lines 61-65 of Barnard).

9. Claim 141 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (5,799,286) in view of Abulleil et al. (US 2001/0027455 A1).



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(A) Referring to claim 141, Morgan does not disclose responsive to a deficiency related to a resource, a life cycle cost estimate regarding the resource and said deficiency.

Abulleil discloses responsive to a deficiency related to a resource, a life cycle cost estimate regarding the resource and said deficiency (para. 59 of Abulleil).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Abulleil within Morgan. The motivation for doing so would have been to assist a purchase decision (para. 59 of Abulleil).

10. Claims 137-138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (5,799,286) in view of Husseiny (5,210,704).

(A) Referring to claim 137, Morgan discloses deriving, with use of a processor and in response to a value and to information regarding a deficiency of the resource, a determination regarding effects of use of the resource relative to an operating objective of the enterprise (col. 21, lines 1-15 of Morgan).

Morgan does not disclose the value being the estimated life of a resource.

Husseiny discloses the estimated life of a resource (col. 2, lines 21-39 of Husseiny).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Husseiny within Morgan. The motivation for doing so would have been to provide information necessary to assure safe and efficient performance (col. 2, lines 21-28 of Husseiny).

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(B) Referring to claim 138, Morgan does not disclose responsive to a deficiency related to a resource, an estimate of the life of the resource.

Husseiny discloses responsive to a deficiency related to a resource, an estimate of the life of the resource (col. 2, lines 21-43 of Husseiny).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Husseiny within Morgan. The motivation for doing so would have been to provide information necessary to assure safe and efficient performance (col. 2, lines 21-28 of Husseiny).

### ***Response to Amendment***

**11.** The declaration under 37 CFR 1.132 filed 9/16/05 is sufficient to overcome the rejection of claims 81-88 and 132-145 based upon US Patent 6,173,210.

### ***Conclusion***

**12.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a method to identify hazardous employers (5,884,275); a custom quality control monitoring of a steel making process (5,854,749); a system and method for estimating construction project costs and schedules based on historical data (5,918,219); and an assessment methods and apparatus for an organizational process or system (5,737,494).

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is 571-272-7072. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ln

In

1-25-06

  
C. LUKE GILLIGAN  
PATENT EXAMINER